

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:08-CR-163
)	(VARLAN/GUYTON)
ROBERT L. DAIES,)	
)	
Defendant.)	

DETENTION ORDER

This matter came before the Court on November 17, 2008, for a detention hearing originally scheduled before Magistrate Judge Guyton but heard, instead, by Magistrate Judge Shirley. Assistant United States Attorney David Lewen was present representing the Government. Attorney Paula Voss was present representing the Defendant, who was also present. The Court heard the testimony of Officer Josh Shaffer of the Knoxville Police Department, the Defendant's proffer, and the arguments of the parties. Thereafter, the Court announced its ruling.

In the Court's oral ruling, a complete review and analysis of the parties' positions, issues, and facts were stated. That specific and detailed oral ruling is attached hereto and made a part of this Order as if stated herein verbatim.

For the reasons stated therein, the Court finds, the Defendant has failed to overcome the presumption under 18 U.S.C. § 3142(e) that no conditions or combination of conditions of release that would reasonably assure the Court that the Defendant would not pose a danger to the safety of any other person or the community or a risk of flight. In addition, the Government has met the burden of establishing by clear and convincing evidence that the release of the Defendant would

pose a danger to others, specifically the Defendant's wife, and the safety of the community.

It is therefore **ORDERED** that the Defendant, Robert L. Daies, be detained. He is committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate, to the extent practicable, from persons awaiting sentencing or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. Upon order of this Court or a Court of the United States or upon request of the attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshals for the purpose of an appearance in connection with a Court proceeding.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge